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7 BARBARA LEWIS, et al.,
8 Plaintiffs,
9 v.
10 RODAN & FIELDS, LLC,
11 Defendant.

Case No. 18-cv-02248-PJH

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**ORDER TERMINATING MOTION FOR
A PROTECTIVE ORDER WITHOUT
DECISION AND DIRECTING THE
PARTIES TO FILE A STATUS
UPDATE**

Re: Dkt. No. 155, 156, 160

19 On August 28, 2020, the parties filed a stipulation with the court indicating their
20 intent to participate in a third mediation session in late September. Dkt. 183. Suggesting
21 the possibility of settlement, the parties also requested that “all rulings related to the
22 pending motions for class certification (dkt. no. 98) or to the pending motion to exclude
Plaintiffs’ expert (dkt. no. 145-2, 146) be held in abeyance until after September 30,
2020.” Id. at 2.

23 In response, the court terminated the then-pending motion for class certification
24 (Dkt. 98), motion to exclude expert testimony (Dkt. 146), and all associated motions to
25 seal (Dkts. 88, 139, 166, and 177). Dkt. 184. The court expressly stated the parties may
26 renew these motions in the event settlement fails. Id. The parties have not done so.

27 The court has reviewed plaintiffs’ still-pending motion for in camera review and a
28 protective order. Dkt. 155. Given the parties’ apparent dispute about the relevance of
the subject medical records to a class certification decision, it appears that they intended
to include this motion among those “held in abeyance” pursuant to their August 28, 2020
stipulation. Accordingly, the court **TERMINATES** the motion for a protective order (Dkt.
155), as well as its related motions to seal (Dkts. 156, 160). The parties may renew

1 these motions in the event plaintiffs re-notice their class certification related motions.

2 As a related matter, the court understands that almost three months have passed
3 since the September mediation session. Since then, the parties have not taken any
4 substantive action in this case. The court will not permit this matter to languish on its
5 docket unprosecuted. Given that, the court **ORDERS** the parties to file a joint status
6 update by **Friday, January 15, 2021**. In it, the parties should detail their settlement
7 progress, as well as any intent to dismiss this action or renew the above-referenced
8 motions.

9 **IT IS SO ORDERED.**

10 Dated: December 23, 2020

11 /s/ Phyllis J. Hamilton

12 PHYLLIS J. HAMILTON
United States District Judge